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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE ROE, an individual; MARY ROE, an individual; SUSAN ROE, an individual; JOHN ROE, an individual; BARBARA ROE, an individual; PHOENIX HOTEL SF, LLC, a California limited liability company; FUNKY FUN, LLC, a California limited liability company; and 2930 EL CAMINO, LLC, a California limited liability company,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO, a California public entity,

Defendant.

Case No. 4:24-cv-01562-JST

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANT'S MOTION TO
DISMISS**

Hearing Date: July 18, 2024
Time: 2:00 p.m.
Place: Oakland Courthouse,
Courtroom 6 – 2nd Floor
1301 Clay Street, Oakland,
CA 94612

Trial Date: None set

1 In reviewing a motion to dismiss, courts may take judicial notice of a fact that is “not subject to
 2 reasonable dispute,” i.e., that is “generally known” or “can be accurately and readily determined from
 3 sources whose accuracy cannot reasonably be questioned.” *Kang v. PayPal Holdings, Inc.*, 620 F.
 4 Supp.3d 884, 895 (N.D. Cal. 2022); see also Fed. R. Evid. 201(b). “[A] court may take judicial notice
 5 of ‘matters of public record.’ ” *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001).

6 Court may also take judicial notice under Federal Rule of Evidence 201(b) and (c)(1) of the
 7 full text of the Mayor’s and the Governor’s emergency proclamations. *See, e.g., Armstrong v.*
 8 *Newsom*, No. CV 20-3745-GW-ASX, 2020 WL 5585053, at *1 (C.D. Cal. Aug. 3, 2020); *Reclaim*
 9 *Idaho v. Little*, 469 F. Supp. 3d 988, 995 (D. Idaho 2020), *remanded on other grounds, Reclaim Idaho*
 10 *v. Little*, 826 F. App’x 592, 595 (9th Cir. 2020).

11 Accordingly, Pursuant to Federal Rule of Evidence 201 and supporting caselaw, Defendant
 12 City and County of San Francisco (“City”) requests that the Court take judicial notice of the following
 13 documents filed in support of the City’s motion to dismiss.

14 1. Attached hereto and marked as Exhibit A is a true and correct copy of the Proclamation
 15 by the Mayor Declaring the Existence of a Local Emergency.

16 2. Attached hereto and marked as Exhibit B is a true and correct copy of the Proclamation
 17 by the Governor declaring a statewide emergency.

18 3. Attached hereto and marked as Exhibit C is a true and correct copy of the Mayor’s
 19 Termination of Orders Issued Under Proclamation of Local Emergency.

20 4. Attached hereto and marked as Exhibit D is a true and correct copy of the Mayor’s
 21 Termination of Orders Issued Under Proclamation of Local Emergency.

22 5. Attached hereto and marked as Exhibit E is a true and correct copy of the Governor’s
 23 Proclamation Terminating State Emergency.

24 6. Attached hereto and marked as Exhibit F is a true and correct copy of the Proclamation
 25 by the Mayor Declaring the Existence of a Local Emergency Drug Overdoses in the Tenderloin.

26 7. Attached hereto and marked as Exhibits G, H, and I are true and correct copies of the
 27 supplements to the Proclamation by the Mayor Declaring the Existence of a Local Emergency Drug
 28 Overdoses in the Tenderloin.

1 8. Attached hereto and marked as Exhibit J is a true and correct copy of the Board of
2 Supervisor's motion indicating that the Proclamation by the Mayor Declaring the Existence of a Local
3 Emergency Drug Overdoses in the Tenderloin would expire on June 30, 2022.

4 9. Attached hereto and marked as Exhibits K and L are true and correct copies of the
5 California Department of Public Health's January 28, 2022 "Dear Colleague" letter explaining
6 changes to California drug paraphernalia laws and effects on public health programs and the May 2024
7 list of drug supplies that are authorized for distribution, respectively.

8
9
10 Dated: May 3, 2024

11 DAVID CHIU
12 City Attorney
13 YVONNE R. MERÉ
14 Chief Deputy City Attorney
15 WAYNE SNODGRASS
16 TARA M. STEELEY
17 THOMAS S. LAKRITZ
18 JOHN H. GEORGE
19 KAITLYN M. MURPHY
20 Deputy City Attorneys

21
22 By: /s/ Thomas S. Lakritz
23 THOMAS S. LAKRITZ

24 Attorneys for Defendant
25 CITY AND COUNTY OF SAN FRANCISCO
26
27
28

EXHIBIT A

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

PROCLAMATION BY THE MAYOR DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(13) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, The United States has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19" or "the virus") first detected in Wuhan, Hubei Province, People's Republic of China ("China"). The virus was first reported in China on December 31, 2019. As of February 24, 2020, the World Health Organization ("WHO") has reported approximately 77,262 confirmed cases of COVID-19 in China, more than the number of confirmed cases of Severe Acute Respiratory Syndrome (SARS) during its 2003 outbreak. An additional 2,069 cases have been confirmed across 29 other countries; in many of these cases, the infected individuals had not visited China. More than 2,500 people have died from the virus, including 23 outside of China. The number of confirmed cases has continued to escalate dramatically over a short period of time; and

WHEREAS, WHO officials now report that sustained human-to-human transmission of the virus is occurring. Transmission from an asymptomatic individual has been documented. Although the majority of individuals infected with COVID-19 recover from the disease without special treatment, approximately 1 in 6 may become seriously ill. Manifestations of severe disease have included severe pneumonia, acute respiratory distress syndrome, septic shock, and multi-organ failure. Approximately 2% of the people confirmed infected with COVID-19 have died; and

WHEREAS, On January 30, 2020, WHO declared the COVID-19 outbreak a public health emergency of international concern, and on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency for the United States; and

WHEREAS, The Centers for Disease Control and Prevention ("CDC") has determined that the virus presents a serious public health threat, requiring coordination among state

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

and local health departments to ensure readiness for potential health threats associated with the virus; and

WHEREAS, The CDC has issued guidance to local and State health departments, including San Francisco's Department of Public Health ("DPH"), concerning risk assessment and public health management of persons with potential exposure to COVID-19. These guidelines require DPH to make extraordinary efforts to monitor ongoing communicable disease threats and prepare for management of individuals who may have been exposed to COVID-19; and

WHEREAS, DPH, the Department of Emergency Management, and other City partners have been working successfully and diligently to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the epidemic and the need for a sustained response; and

WHEREAS, The City's Director of Public Health has determined that DPH cannot comply with the CDC's guidance without immediate action beyond the City's ordinary response capabilities, including directing personnel and resources from other City departments to assist with the ongoing and developing threat of COVID-19; and

WHEREAS, Conditions of extreme peril to the safety of persons and property have arisen; and

WHEREAS, The Mayor does hereby proclaim that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim the existence, effective immediately on February 25, 2020, of an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

It is further ordered that:

(1) All City and County officers and employees take all steps requested by the Director of Public Health to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus; and

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

(2) All City and County officers and employees take all steps requested by the Director of Public Health to qualify the City for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing this emergency; and

I further proclaim and order that:

By the terms of this emergency declaration the government of the City and County of San Francisco is organized under the provisions of the Incident Command System (ICS), which system forms an essential part of the City's Emergency Operations Plan. The head of each City department and agency shall observe his or her proper relationship in the command structure outlined by the system and shall respond to the orders and requests of the Lead Department designated to exercise supervision over his or her department during the course of this emergency;

Because of the extreme peril to its residents and visitors, the Governor of the State of California is hereby requested to include the area of the City and County of San Francisco in any emergency declaration by the State, and is further requested to ensure that the City and County is included in any emergency declaration that may be issued by the President of the United States.

And I further proclaim and order that:

This declaration of a local emergency shall continue to exist until it is terminated by the Mayor or the Board of Supervisors. All departments of the City and County of San Francisco are strictly ordered to cooperate with the requests for material and personnel resources that may emanate from the Incident Command Staff of the City and County which is located in the Emergency Command Center of the City and County of San Francisco.

DATED: 2/25/2020

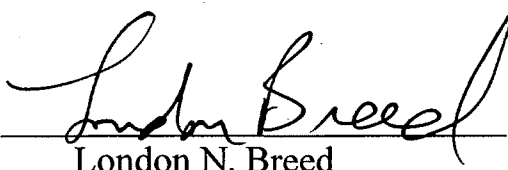

London N. Breed
Mayor of San Francisco

EXHIBIT B

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 4th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT C

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

TERMINATION OF ORDERS ISSUED UNDER PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation of Local Emergency (“Proclamation”) under California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code, in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, The Mayor subsequently updated the Proclamation through the issuance of 48 Supplements to the Proclamation, including over 100 individual orders, many of which have been amended and in some cases terminated based on the status of the ongoing emergency and the public health response; and

WHEREAS, On October 17, 2022, the Governor of the State of California announced that the statewide Declaration of Emergency (“Declaration”) due to COVID-19, which originally issued on March 4, 2020, will terminate effective February 28, 2023; and

WHEREAS, While certain of the Mayor’s supplemental orders are still pending and remain necessary at this time, as summarized below, it is also appropriate to prepare for the orderly termination of these remaining orders given the scheduled termination of the Governor’s Declaration, the current state of the pandemic, the status of the City’s pandemic response, the City’s policies regarding vaccination of City employees and employee return-to-work, the vaccination rates in San Francisco, and the current public health indicators; and

WHEREAS, With respect to public meetings, Section 3 of the First Supplement suspended the requirement in the Charter that commissions, boards, and other City policy bodies meet in-person; Sections 6 and 8 of the 5th Supplement suspended various provisions of the Sunshine Ordinance for public meetings during the emergency; and Section 1 of the 45th Supplement allowed for the continuation of remote meetings under certain conditions; and

WHEREAS, With respect to City employment and human resource practices, Section 3 of the 16th Supplement authorized the City to waive the time restrictions that limit how long employees appointed under certain Charter provisions can remain employed by the City; and Section 1 of the 37th Supplement temporarily waived provisions of City law

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

to expedite the process of filling positions left vacant due to vaccination policy-related suspensions or terminations; and

WHEREAS, With respect to vaccination requirements, Section 1 of the 38th Supplement imposed vaccination requirements on employees of City contractors who work in close proximity with City employees; and Section 2 of the 38th Supplement, as updated by Section 2 of the 41st Supplement, required members of City policy bodies to be fully vaccinated; and

WHEREAS, With respect to facilitating the City's public health response, Section 3 of the 5th Supplement suspended provisions of the Planning Code and other local laws to enable temporary medical and public health facilities on City streets; Section 1 of the 21st Supplement waived provisions of the Planning Code to allow schools to temporarily expand their premises to accommodate physical distancing requirements or increases in enrollment; and Section 1 of the 43rd Supplement authorized the City Administrator to issue fines for violations of the Health Officer's order requiring certain healthcare facilities to offer testing to patients within designated timeframes and to provide reports to the Department of Public Health; and

WHEREAS, With respect to housing, Section 4 of the 5th Supplement suspended provisions of local law to facilitate the use of private hotel rooms for the COVID-19 response effort; Section 1 of the 6th Supplement waived the City's hotel tax on such hotel rooms; Section 1 of the 15th Supplement authorized real property belonging to the Mayor's Office of Housing and Community Development to be used for temporary emergency housing for homeless, including tent encampments; and Section 2 of the 28th Supplement waived provisions of local law to allow student housing to be used for temporary residential use by non-students; and

WHEREAS, Section 3 of the 2nd Supplement suspended lien proceedings for delinquent water and sewer bills; and

WHEREAS, Section 1 of the 44th Supplement authorized the City to continue funding for nonprofit contractors and grantees that were not performing services due to the emergency; and

WHEREAS, Following the termination of the supplemental orders identified above, the Mayor wishes to delay termination of the Proclamation for a reasonable time, for the limited purposes of enabling the City to seek full reimbursement for eligible costs incurred in the emergency response from federal and state authorities as authorized by

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

law, and to facilitate an orderly transition with respect to the City's Shared Spaces Program; and

WHEREAS, The remaining orders with respect to "Shared Spaces" programs consist of Section 1 of the 18th Supplement, which authorized the Department of Public Works to implement a program to allow restaurants and retail establishments to temporarily use privately owned open space in front of their premises; Section 3 of the 18th Supplement, as updated by Section 1 of the 23rd Supplement, which authorized the Planning Department to implement such a program; Section 1 of the 26th Supplement, which authorized the Director of Transportation to issue permits to close streets for outdoor dining, retail, and services; and Section 1 of the 27th Supplement, which authorized the Entertainment Commission to permit outdoor entertainment and outdoor amplified sound in connection with certain types of permitted events;

NOW, THEREFORE

I, London N. Breed, Mayor of the City and County of San Francisco, order that all supplemental orders identified herein, with the exception of the Shared Spaces orders, shall terminate effective 11:59 p.m. on February 28, 2023.

DATED: January 25, 2023

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco

EXHIBIT D

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

TERMINATION OF PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation of Local Emergency (“Proclamation”) under California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code, in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, Over the following three years, the Mayor updated the Proclamation through 48 Supplements to the Proclamation, including over 100 individual orders, to address the ongoing emergency and assist with the public health response; and

WHEREAS, On February 28, 2023, the Governor’s Statewide Declaration of Emergency due to COVID-19, and the County Health Officer’s Order regarding COVID-19, were terminated; and

WHEREAS, The Mayor has amended or terminated the 48 Supplements and individual orders over time, and at this time, none of these orders remain outstanding, but the Mayor has left the Proclamation in effect to enable the City to seek full reimbursement for eligible costs incurred in the emergency response from federal and state authorities as authorized by law; and

WHEREAS, The Mayor anticipates it will not be necessary to keep the Proclamation in effect for this limited purpose beyond June 30, 2023, and desires to inform the public in advance of the date that the Proclamation will finally terminate; and

WHEREAS, The Mayor wishes to honor the people of the City and County of San Francisco for their service to the City during this unprecedented emergency;

NOW, THEREFORE

I, London N. Breed, Mayor of the City and County of San Francisco, order that the Proclamation shall terminate effective 11:59 p.m. on June 30, 2023.

DATED: May 3rd, 2023

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco

EXHIBIT E

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

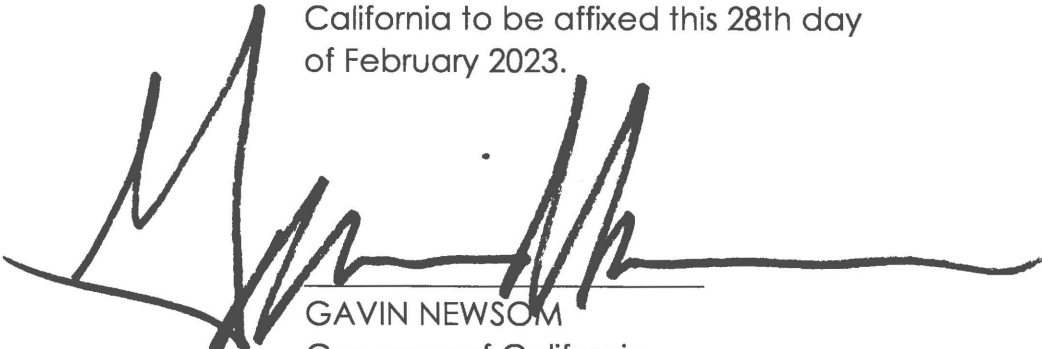
A PROCLAMATION
BY THE GOVERNOR OF THE STATE OF CALIFORNIA
TERMINATING STATE OF EMERGENCY

I, **GAVIN NEWSOM**, Governor of the State of California, having found pursuant to Government Code section 8629 that the conditions of extreme peril to the safety of persons and property declared in the State of Emergency proclamation listed below no longer exist, therefore proclaim that the State of Emergency proclaimed on the following date and in the following jurisdiction no longer exists, effective at 11:59 p.m. on February 28, 2023. Accordingly, any Executive Orders related to the terminated State of Emergency will also no longer be in effect as of 11:59 p.m. on February 28, 2023.

| PROCLAMATION | | |
|--------------|-----------------|--------------|
| Emergency | Date Proclaimed | Jurisdiction |
| COVID-19 | March 4, 2020 | Statewide |

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of February 2023.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State

EXHIBIT F

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

PROCLAMATION BY THE MAYOR DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

Drug Overdoses in the Tenderloin

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County of San Francisco (the “City”) or its citizens; and

WHEREAS, Deaths from drug overdose are at epidemic levels in San Francisco. While the problem has gotten worse over the past few years and particularly over the course of the pandemic, recently the threat to public health, safety and welfare has become much graver and more imminent in the Tenderloin (as defined below) and demands emergency action; and

WHEREAS, Deaths attributable to drug overdose in San Francisco have increased over 200% since 2018. In 2020, over 700 individuals died from drug overdoses. The number of deaths in 2020 from drug overdose far exceeded the number of individuals who died of COVID-19; and

WHEREAS, The COVID-19 pandemic exacerbated the overdose epidemic in San Francisco. In the eight months before the Health Officer issued the Shelter-In-Place Order (March 2020), the median number of weekly overdose deaths was 10, which increased to 15 after the Order, representing a 50% increase. During this period, there was a significant increase in the number of people experiencing homelessness dying from drug overdoses; and

WHEREAS, A main contributor to the rapid rise in drug overdoses and deaths in San Francisco is the recent increase in the prevalence of fentanyl in the illegal drug market. Fentanyl is highly addictive and potent, and it is more likely to lead to overdose than other drugs in common use today. There has been a significant increase in the deaths attributable to fentanyl since the onset of the COVID-19 pandemic. Fentanyl was a factor in more than 70% of overdose deaths between January and October 2021, an increase of nearly 20% since 2019. Over the past year, the San Francisco Police

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SAN FRANCISCO



LONDON N. BREED
MAYOR

Department has confiscated over 23 kilos of fentanyl – more than four times the year before; and

WHEREAS, As the situation with the COVID-19 pandemic has begun to improve, the drug overdose crisis in the City has continued unabated. Between January and November 2021, nearly 600 San Franciscans died of a drug overdose; and

WHEREAS, The Tenderloin neighborhood and the surrounding area, including the South of Market neighborhood, are the epicenter of the overdose crisis in the City. Between January and October 2021, 21% of overdose deaths occurred in the Tenderloin, with an additional 20% of deaths occurring in the South of Market neighborhood. These areas make up only 7% of the City's population; and

WHEREAS, Contacts between clients and the City's non-profit partners running needle exchange programs in the Tenderloin increased nearly 30% in the period between July and September 2021 compared to the previous three months; and

WHEREAS, The crisis in the Tenderloin has worsened in recent months. One of the City's non-profit partners reported an over 35% increase in the distribution of Narcan in the Tenderloin between October 2021 and November 2021. Narcan is used to revive someone experiencing an overdose; and

WHEREAS, Emergency medical calls for service designated as calls for a "sick person" in the Tenderloin have increased more than 150% between June and November 2021 compared to the same period in 2020, and medical calls for service for all reasons during this time period also increased, indicative of serious public health issues likely attributable to the opioid crisis in the area; and

WHEREAS, Other indicators of the opioid crisis in the Tenderloin are also present; street conditions in the Tenderloin and surrounding area have deteriorated in recent months. Calls to 311 concerning human waste, needles, and garbage on streets and sidewalks increased significantly between the fall of 2020 and the fall of 2021; and

WHEREAS, There was a 38% increase in calls to the City's Street Overdose Response Team between October and November 2021, and a 44% increase in calls regarding drug overdoses in the same period; and

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LONDON N. BREED
MAYOR

WHEREAS, The rapidly deteriorating conditions in the Tenderloin caused by the opioid crisis put the lives of San Franciscans at serious risk, and the City must take action beyond the City's ordinary response capabilities, including re-appropriating resources to address the crisis, directing personnel from City departments to assist with the response, implementing crisis response sites for individuals to obtain medical help and services, and quickly procuring goods and services to address the crisis; and

WHEREAS, Conditions of extreme peril to the safety of persons and property have arisen; and

WHEREAS, The Mayor proclaims that all of these conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim the existence, effective immediately on December 17, 2021 and for limited duration specified below, of an emergency within the City threatening the lives, property or welfare of the City and County and its citizens.

It is further ordered that:

(1) All City officers and employees take all steps requested by the Executive Director of the Department of Emergency Management to address the emergency conditions of the overdose and overdose death crisis in the Tenderloin. For purposes of this Proclamation, the "Tenderloin" means the San Francisco Police Department's Tenderloin District and the additional area within a one-block perimeter of that District.

(2) All City officers and employees take all steps requested by the Executive Director of the Department of Emergency Management to qualify the City for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing this emergency.

(3) Notwithstanding any other restriction in local law except Charter Section 9.118, City departments entering agreements related to the City's response to the emergency, including contracts for the procurement of commodities or services, contracts for public works, and grant agreements, shall comply with the procedural requirements of Section 21.15 of the Administrative Code (for agreements that are otherwise subject to

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SAN FRANCISCO



LONDON N. BREED
MAYOR

Chapter 21 or Chapter 21G) or Section 6.60 of the Administrative Code (for agreements that are otherwise subject to Chapter 6). Civil Service Commission approval of such agreements is waived. Within 30 days of execution of the agreement departments must report any agreement that would have required approval by the Civil Service Commission to the Civil Service Commission.

(4) Temporary facilities implemented for purposes of offering services as part of the emergency response, such as public health, behavioral health, social, or housing services, as recommended by the Director of the Department of Emergency Management or the Director's designee and authorized by the Mayor or the Mayor's designee, shall be allowed in the Tenderloin, including on any City sidewalks or parks; any provision in City law that limits or restricts the City's deployment of such facilities is waived, and any applicable local requirements for public notice, the filing or approval of a permit application, or payment of fees related to that response are waived.

I further proclaim and order that:

By the terms of this emergency declaration the City's government is organized under the provisions of the Incident Command System (ICS), which system forms an essential part of the City's Emergency Response Plan and is located in the Emergency Operations Center of the City and County of San Francisco. All City departments are ordered to cooperate strictly with the requests for material and personnel resources that may emanate from the ICS staff of the City. Under Charter Section 3.100(14), the Mayor may direct department personnel and resources, including reallocating and expending available funds within a department's budget or among and between departments, and expending available unappropriated funds, as necessary to meet the emergency. At least once every 30 days during this emergency, and again within 30 days after the termination of the emergency, the Controller shall report to the Board of Supervisors any transfer of appropriated or unappropriated funds adopted pursuant to this proclamation;

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LONDON N. BREED
MAYOR

And I further proclaim and order that:

This declaration of a local emergency shall continue to exist for no longer than 90 days from the effective date of this Proclamation and may be terminated earlier by the Mayor or the Board of Supervisors.

DATED: December 17, 2021

A handwritten signature in blue ink, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor of San Francisco

EXHIBIT G

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

FIRST SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DATED DECEMBER 17, 2021

Drug Overdoses in the Tenderloin

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County of San Francisco (the “City”) or its citizens; and

WHEREAS, On December 17, 2021, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with drug overdoses in the Tenderloin; and

WHEREAS, To quickly address the overdose crisis in the Tenderloin and mount a response that will reduce the overdoses and deaths occurring on our streets, the City must hire employees to fill vacant positions in the Department of Public Health, the Human Services Agency, and the Department of Homelessness and Supportive Housing who will participate directly in the emergency response. Employees in these departments will provide behavioral health and substance abuse services, housing services, street outreach, overdose response, and other services aimed at helping individuals in danger of overdose death. It is in the public interest to waive local law that could delay the rapid hiring of employees to fill these crucial emergency response needs; and

WHEREAS, Also to address the emergency, the City plans to open a linkage center in the Tenderloin, at least initially on a temporary basis, where individuals in crisis may go to be connected to City services for mental health and substance abuse treatment, housing, and other benefits and for referral to medical attention, with the goal of breaking the cycle of addiction and reducing the prevalence of drug overdoses in the Tenderloin. To quickly implement the opening of such a facility, it is in the public interest to suspend local law that would delay the execution of a short-term lease of an appropriate location for this purpose; and

WHEREAS, Conditions of extreme peril to the safety of persons and property continue to exist;

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SAN FRANCISCO



LONDON N. BREED
MAYOR

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation, it is further ordered that:

- (1) The Human Resources Director or designee is delegated authority during the local emergency to temporarily waive provisions of Civil Service Commission Rules and provisions of the Charter regarding hiring, if the Human Resources Director deems in writing that such waiver is necessary or appropriate to expedite the hiring of employees in the Department of Public Health, the Human Services Agency, and the Department of Homelessness and Supportive Housing who will perform duties in direct response to the drug overdose emergency in the Tenderloin, including behavioral health employees.
- (2) Upon recommendation of the Executive Director of the Department of Emergency Management, the Director of Real Estate is authorized to enter into a lease on behalf of the City as tenant for real property necessary to establish facilities to respond to the drug overdose emergency in the Tenderloin. Any such lease shall be for a period not to exceed the 90-day emergency term specified in the Proclamation, unless the Director of Real Estate determines that the City is unable to secure a suitable property without agreeing to a longer term not to exceed a total of six months. Except for Charter Section 9.118, the Director of Real Estate may waive any provision of City law that would limit or delay execution of a lease authorized by this Order, including, without limitation, Chapter 23 of the Administrative Code. If a lease executed by the Director of Real Estate under this Order provides the City an option to extend the term beyond a six-month period, the City's decision to exercise such option shall be subject to such approvals as may be required by Chapter 23 of the Administrative Code and any other applicable law, including, without limitation, prior approval by the Board of Supervisors.

DATED: December 27, 2021

A handwritten signature in blue ink, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor of San Francisco

EXHIBIT H

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

THIRD SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DATED DECEMBER 17, 2021

Drug Overdoses in the Tenderloin

Authorizing Waivers to Wind Down Disaster Service Worker Deployment

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County of San Francisco (the “City”) or its citizens; and

WHEREAS, On December 17, 2021, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with drug overdoses in the Tenderloin. On December 23, 2021, the Board of Supervisors concurred in the Proclamation. The Mayor issued the First Supplement to the Proclamation on December 27, 2021, authorizing the Director of Real Estate to enter leases necessary to respond to the emergency, with a term lasting the duration of the emergency and up to six months if the Director determines the City is unable to secure a suitable property without agreeing to a longer term. The Board of Supervisors concurred in the First Supplemental Proclamation on January 11, 2022; and

WHEREAS, Under this emergency authorization, the City entered into a lease for 1170 Market Street and has been operating a Linkage Center at that location. The Linkage Center is a place where individuals in need, including those with substance abuse issues who are in danger of overdose death, are connected to necessary services. The establishment of the Linkage Center is one of the central actions the City has taken in response to the emergency. The City has leased the space until at least June 30, 2022, and intends to continue operating the Linkage Center after the end of the local emergency; and

WHEREAS, Some City employees working at the Linkage Center have been deployed as disaster service workers from a number of City departments such as the Airport and the Public Utilities Commission. There are approximately eleven employees currently serving as disaster service workers at the Linkage Center. The City is in the process of transitioning staffing and hiring new employees in the Department of Public Health and other departments whose normal job duties will include working at the Linkage Center.

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SAN FRANCISCO



LONDON N. BREED
MAYOR

In order to ensure an orderly transition and to maintain the services offered at the Linkage Center during the transition, it is in the public interest to authorize the continued deployment of the employees currently serving at the Linkage Center for a limited period of time until the City completes the process of hiring sufficient permanent employees to maintain operations at the Linkage Center;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the First and Second Supplements to the Proclamation, it is further ordered that:

For purposes of winding down the deployment of employees serving as disaster service workers at the Linkage Center at 1170 Market Street and ensuring an orderly transition to regularly assigned employees at the Linkage Center, the Human Resources Director is authorized to continue the assignment of employees currently serving as disaster service workers at the Linkage Center until such time as regularly assigned employees can maintain the current level of services, but no longer than June 30, 2022. Any provision in City law or in any City agreement or memorandum of understanding that is inconsistent with this authorization is suspended to the extent it would interfere with the implementation of this Order. This Order shall remain in place during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: March 14, 2022

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco

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EXHIBIT I

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

SECOND SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DATED DECEMBER 17, 2021

Drug Overdoses in the Tenderloin *Modifying Authorization to Enter Contracts*

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County of San Francisco (the “City”) or its citizens; and

WHEREAS, On December 17, 2021, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with drug overdoses in the Tenderloin. On December 23, 2021, the Board of Supervisors concurred in the Proclamation. The Mayor issued the First Supplement to the Proclamation on December 27, 2021, authorizing the Director of Real Estate to enter leases necessary to respond to the emergency, with a term lasting the duration of the emergency and up to six months if the Director determines the City is unable to secure a suitable property without agreeing to a longer term. The Board of Supervisors concurred in the First Supplemental Proclamation on January 11, 2022; and

WHEREAS, To address the overdose crisis in the Tenderloin and mount an emergency response that will reduce the overdoses and deaths occurring on our streets, the City must quickly execute contracts with providers that can offer services to individuals in need. Among other activities, such providers will staff the linkage center where individuals will be connected to City services for mental health and substance abuse treatment, housing, and other benefits and for referral to medical attention; and

WHEREAS, To ensure the City is able to secure the necessary contractual services on a timely basis, it is in the public interest to waive provisions of City law to expedite the process of finding providers and executing contracts. Further, to the extent departments are unable to find providers willing and able to provide services effectively under a contract limited to the remaining duration of the declared emergency, it is in the public interest to allow departments flexibility to enter into contracts for longer period not to extend beyond June 30, 2022, the end of the current fiscal year; and

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SAN FRANCISCO



LONDON N. BREED
MAYOR

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the First Supplement to the Proclamation, it is further ordered that:

Section 3 of the Proclamation is revised and replaced as follows:

Notwithstanding any other restriction, procedural requirement, or approval requirement in local law except Charter Section 9.118, City departments entering agreements related to the City's response to the emergency, including contracts for the procurement of commodities or services, contracts for public works, and grant agreements, shall comply with the procedural requirements of Section 21.15 of the Administrative Code (for agreements that are otherwise subject to Chapter 21 or Chapter 21G) or Section 6.60 of the Administrative Code (for agreements that are otherwise subject to Chapter 6). Civil Service Commission approval of such agreements is waived. Within 30 days of execution of any such agreement, the department must report any agreement that would have required approval by the Civil Service Commission to the Civil Service Commission. City departments are authorized to enter into agreements under this Order for a period not to exceed the duration of local emergency, unless the department head determines in writing that the City is unable to secure the necessary services without agreeing to a longer term (including options to extend) not to extend beyond June 30, 2022. For any agreement that extends beyond the termination of the local emergency as provided in the preceding sentence, the Mayor is authorized to appropriate or transfer funds to cover the cost of such agreement including during the portion of the term that extends beyond the end of the emergency. This Order shall remain in place during the local emergency unless terminated earlier by the Mayor of the Board of Supervisors.

DATED: January 21, 2022

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco

EXHIBIT J

FILE NO. 220276

MOTION NO. M22-45

1 [Concurring in Actions to Meet Local Emergency - Drug Overdoses in the Tenderloin - Third
2 Supplement]

3 **Motion concurring in actions taken by the Mayor in the Third Supplement to the**
4 **Proclamation of Emergency to meet the ongoing local emergency related to the**
5 **sudden increase in drug overdoses in the Tenderloin by authorizing the Human**
6 **Resources Director to continue the assignment of employees currently serving as**
7 **disaster service workers at the Linkage Center until such time as regularly assigned**
8 **employees can maintain the current level of services, but no longer than June 30,**
9 **2022.**

10
11 WHEREAS, On December 17, 2021, Mayor London N. Breed declared a local
12 emergency to exist in connection with the sudden increase of drug overdoses in the
13 Tenderloin; and

14 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
15 Existence of a Local Emergency ("Proclamation") to the Board of Supervisors, and on
16 December 23, 2021, the Board of Supervisors concurred in the Proclamation and in the
17 actions taken by the Mayor to meet the emergency; the Proclamation and the Board's
18 concurring Motion are on file with the Clerk of the Board of Supervisors in File No. 211320;
19 and

20 WHEREAS, Under this emergency authorization, the City entered into a lease for 1170
21 Market Street and has been operating a Linkage Center at that location where individuals in
22 need, including those with substance abuse issues who are in danger of overdose death, are
23 connected to necessary services; the City has leased the space until at least June 30, 2022,
24 and intends to continue operating the Linkage Center after the end of the local emergency;
25 and

1 WHEREAS, Some City employees working at the Linkage Center have been deployed
2 as disaster service workers from a number of City departments such as the Airport and the
3 Public Utilities Commission, including approximately eleven employees currently serving as
4 disaster service workers at the Linkage Center; the City is in the process of transitioning
5 staffing and hiring new employees in the Department of Public Health and other departments
6 whose normal job duties will include working at the Linkage Center; and

7 WHEREAS, In order to ensure an orderly transition and to maintain the services
8 offered at the Linkage Center during the transition, it is in the public interest to authorize the
9 continued deployment of the employees currently serving at the Linkage Center for a limited
10 period of time until the City completes the process of hiring sufficient permanent employees to
11 maintain operations at the Linkage Center; and

12 WHEREAS, On March 14, 2022, the Mayor took additional steps to meet the
13 emergency by issuing the Third Supplement to the Proclamation, ordering one action to meet
14 the emergency; the Third Supplement is on file with the Clerk of the Board of Supervisors in
15 Board File No. 220276; and

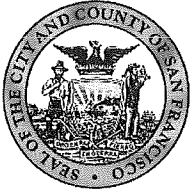
16 WHEREAS, Government Code, Sections 8550 et seq. and Charter, Section 3.100
17 provide for the concurrence by members of the Board of Supervisors in actions taken by the
18 Mayor to meet the emergency; now, therefore, be it

19 MOVED, That the Board of Supervisors concurs with the following action taken by the
20 Mayor to meet the local emergency included in the Mayor's Third Supplement to the
21 Proclamation, dated March 14, 2022, as such action is described in full in the Third
22 Supplement and summarized as follows:

23 **Action 1:** Authorizing the Human Resources Director to continue the assignment of
24 employees currently serving as disaster service workers at the Linkage Center until such time
25 as regularly assigned employees can maintain the current level of services, but no longer than

1 June 30, 2022, and suspending any provision in City law or in any City agreement or
2 memorandum of understanding that is inconsistent with this authorization to the extent it
3 would interfere with the implementation of this Order.

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City and County of San Francisco

Tails

Motion: M22-045

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220276

Date Passed: March 22, 2022

Motion concurring in actions taken by the Mayor in the Third Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the sudden increase in drug overdoses in the Tenderloin by authorizing the Human Resources Director to continue the assignment of employees currently serving as disaster service workers at the Linkage Center until such time as regularly assigned employees can maintain the current level of services, but no longer than June 30, 2022.

March 22, 2022 Board of Supervisors - APPROVED

Ayes: 10 - Chan, Haney, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

Absent: 1 - Mandelman

File No. 220276

I hereby certify that the foregoing Motion was APPROVED on 3/22/2022 by the Board of Supervisors of the City and County of San Francisco.

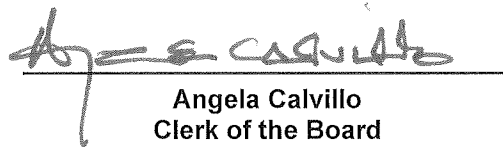

Angela Calvillo
Clerk of the Board

EXHIBIT K



Tomás J. Aragón, MD, Dr. PH
Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

January 28, 2022

Subject: Changes to California Drug Paraphernalia Laws and Effects on Public Health Programs

Dear Colleague,

During the past five years, California has experienced a startling [100% increase in drug overdose deaths](#) that was significantly compounded by the impact of the coronavirus pandemic on public health and medical services. The U.S. Centers for Disease Control and Prevention (CDC) began documenting national [increases in fatal opioid overdose](#) and [injection-related HIV transmission](#) early in the pandemic, including in California. Similarly, California Department of Public Health (CDPH) surveillance programs tracked sharp increases in fentanyl and psychostimulant overdose deaths, as well as molecular and time-space HIV clusters, coincident with the onset of the coronavirus pandemic.

Harm reduction services, including syringe services programs (SSPs), provide non-judgemental, evidence-based health and social services that are essential components of California's efforts to reverse these public health crises. The California State Legislature and Governor Newsom have expanded these programs by enacting legislation to increase funding for harm reduction services and remove criminal penalties that prevent people from accessing services. Recently, these changes include legislation that made it lawful for SSPs to distribute a wider array of safer drug use materials, made it lawful for anyone in California to possess syringes for personal use, and streamlined the ability of state and local governments to authorize new SSPs.

Key Points

- Anyone may possess an unlimited number of syringes for personal use in California. No one should be arrested, prosecuted, or denied services based on syringe possession for personal use.
- Anyone may possess safer drug use materials, including pipes and other non-injection drug use materials, when acquired from an SSP. SSP participants are exempt from criminal prosecution for possession of such items, and the law does not require documentation of having acquired the materials from an SSP.
- State and local government authorization of SSPs is exempt from review under the California Environmental Quality Act.



Distribution and Possession of Pipes and Other Drug Use Materials

In 2018, the legislature amended [Health and Safety Code 121349.1](#) (*Committee on Budget, Assembly Bill 1810, Statutes of 2018*) to exempt SSP staff and volunteers from criminal prosecution for possession, furnishing, or transferring “any materials deemed by a local or state health department to be necessary to prevent the spread of communicable diseases, or to prevent drug overdose, injury, or disability” during participation in an SSP and exempt SSP participants from criminal prosecution for possession of such materials when acquired from an SSP. Materials designated in this manner and distributed by an SSP are not subject to criminal drug paraphernalia possession laws.

In 2019, the CDPH Office of AIDS (OA) newly designated several materials as necessary for disease and injury prevention pursuant to the law, and began supporting their distribution through SSPs through the Harm Reduction Supply Clearinghouse, which provides supplies to SSPs throughout the state.

In addition to a variety of safer injection supplies, **designated items include pipes and foil suitable for smoking** opioids and methamphetamine. Scientific evidence has found that sharing of non-injection drug use equipment may transmit disease, and that helping people transition away from injection drug use reduces the risk of disease transmission and injuries caused by injecting. Further background may be found in CDPH/OA’s publication [Smoking Supplies for Harm Reduction](#).

Syringe Distribution and Possession

In January 2021, [Business and Professions Code 4145.5](#) and [Health and Safety Code 11364](#) were amended (*Ting, Assembly Bill 2077, Statutes of 2020*) to make several changes to state law related to syringe possession and distribution. Most importantly, the changes removed all conditions on possession of syringes for personal use, and extended authorization for physicians and pharmacists to furnish syringes without a prescription to persons 18 years of age or older until January 1, 2026.

As a result, California law more clearly prioritizes public health goals related to sterile syringe possession:

- It is lawful to possess syringes for personal use in California.
- There is no limit on the number of syringes someone may possess for personal use, no age limit for possession, and it is lawful to possess syringes obtained from any source.
- Syringes may be furnished without a prescription by staff and volunteers of SSPs, pharmacists, and physicians.

Exemption from the California Environmental Quality Act (CEQA)

Effective from January 2022, [Health and Safety Code 121349](#) was amended (*Arambula, Assembly Bill 1344, Statutes of 2021*), to state that SSP applications for authorization by state or local government and subsequent SSP operations performed in accordance with the authorization are “exempt from review under the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.” The amendment also made this exemption retroactive to cover SSPs authorized before 2022, stating that the exemption statute “is intended to be declaratory of existing law.”

For Additional Background or Assistance

Please share the information in this letter with city and county officials, law enforcement and other criminal justice system partners in your local jurisdiction.

For legal citations related to these statutory changes and more information on California law pertaining to drug paraphernalia and harm reduction programs, please see the CDPH/OA fact sheet, “[California Law and Syringe Services Programs](#).” The CDPH/OA Harm Reduction Unit [webpages](#) provide more data and background. If you have additional questions, please contact Alessandra Ross, Harm Reduction Unit Chief, at alessandra.ross@cdph.ca.gov.

Thank you for your attention to this matter and for your commitment to supporting the health and safety of people who use drugs.

Sincerely,



Marisa Ramos, PhD
Office of AIDS Division Chief Center for
Infectious Diseases California
Department of Public Health

CC: Alessandra Ross, MPH
Chief, Harm Reduction Unit, Office of AIDS
California Department of Public Health

Matt Curtis, MPH
Harm Reduction Specialist, Office of AIDS
California Department of Public Health

Loris Mattox
Capacity Building Specialist, Office of AIDS
California Department of Public Health

EXHIBIT L

| May 2024 California Syringe Supply Clearinghouse Order Form | |
|--|--|
| <p>How to place an order:</p> <p>To submit or adjust a standing order You must fill out this order form with your product preferences, address, order frequency, etc., and email it to kyle@clearinghouse@nasen.org or clearinghouse@nasen.org with the subject line "Your Program Name" standing order adjustment.</p> <p>To place a supplemental order Please fill out this order form with your order information and email it to kyle@clearinghouse@nasen.org or clearinghouse@nasen.org. Please put any special instructions in the body of your email.</p> <p>Have questions? Need advice? Email clearinghouse@nasen.org for product information, suggestions, or with any other questions. Want a product added to the Clearinghouse? Email clearinghouse@nasen.org. We'll keep track of suggestions and requests and try to add them in the future!</p> | <p>Naloxone After you receive your naloxone, submit the invoice to clearinghouse@nasen.org. The Clearinghouse will pay Pfizer directly.</p> <p>Fitpacks Fitpacks are available. They <u>will</u> count toward your funding allocation. If you would like to order them, they are located in the Sharps Container section.</p> <p>4Acres Glass Per their return/exchange policy, there are 7 days after receiving the product to report any broken or missing pieces. If you receive a pallet of 4Acres and it looks damaged, please take pictures before breaking down the pallet.</p> |
| Item Number | Item |
| Alcohol and Other Wipes | |
| 191089-bx | McKesson isopropyl alcohol wipe, individual packet, medium (200/box) |
| 191089-cs | McKesson isopropyl alcohol wipe, individual packet, medium (4000/case) |
| 865276-bx | McKesson BZK skin wipe, individual packet, 5"x7" (100/box) |
| 865276-cs | McKesson BZK skin wipe, individual packet, 5"x7" (1000/case) |
| Bags and Baggies | |
| 405083-cs | RD Plastics bag, clear, 2"x2", zip closure (1000/case) |
| 405312-cs | RD Plastics bag, amber, 2"x8", zip closure (1000/case) |
| 957784-bx | McKesson bag, clear, 4"x6", zip closure (1000/box) |
| 957784-cs | McKesson bag, clear, 4"x6", zip closure (4000/case) |
| 911643-bx | McKesson bag, clear, 6"x9", zip closure (1000/box) |
| 911643-cs | McKesson bag, clear, 6"x9", zip closure (4000/case) |
| 717951-cs | Lagasse paper grocery bag, brown, 4-3/16"x6-5/16"x13-3/8", without handles (500/case) |
| 981253-cs | RJ Schinner paper grocery bag, brown, 4-3/16"x6-5/16"x13-3/8", without handles (500/case) |
| 721111-pk | Lagasse paper grocery bag, brown, 3-1/8"x9-3/4" (500/pack) |
| 434621-cs | Lagasse paper grocery bag, brown, 7"x12"x17", without handles (500/case) |
| 813563-cs | Lagasse paper grocery bag, brown, 7"x12"x17", with handles (300/case) |
| 1022216-bx | Boardwalk Reclosable Bag, clear, 1qt, 7"x8" (500/box) *Droshipping by Manufacturer* |
| Cookers | |
| 2001-bx | Approximately 1000 Silgan cookers without handle |
| 2001-cs | Approximately 5000 Silgan cookers without handle |
| 2001-ct | Approximately 13,824 Silgan cookers without handle |
| 2002-bx | Approximately 1000 One-Use cookers with handle |
| 2002-cs | Approximately 6000 One-Use cookers with handle |
| Filters | |
| 1003-cs | Cellulose Filters (3/pack, 1500/pack/case) |
| 1002-bx | NASEN 5 lb cotton, #2 pellet, 7/30", non-sterile (5lb/box) *Maximum order of 1 box* |
| 1003-bx | NASEN 5 lb cotton, #3 pellet, 5/32", non-sterile (5lb/box) *Maximum order 1 box* |
| 1006-cs | Sterifilt, syringe filter, by Apotichom (100/box, 20 box/case) *Maximum order of 2 cases* |
| Gloves | |
| 765874-bx | McKesson exam gloves, nitrile, powder free, small (200/box) |
| 765874-cs | McKesson exam gloves, nitrile, powder free, small (2000/case) |
| 765875-bx | McKesson exam gloves, nitrile, powder free, medium (200/box) |
| 765875-cs | McKesson exam gloves, nitrile, powder free, medium (2000/case) |
| 765876-bx | McKesson exam gloves, nitrile, powder free, large (200/box) |
| 765876-cs | McKesson exam gloves, nitrile, powder free, large (2000/case) |
| 767197-bx | McKesson exam gloves, nitrile, powder free, extra large (180/box) |
| 767197-cs | McKesson exam gloves, nitrile, powder free, extra large (1800/case) |
| 354438-bx | McKesson exam gloves, vinyl, powder-free, small (100/box) |
| 354438-cs | McKesson exam gloves, vinyl, powder-free, small (1000/case) |
| 354439-bx | McKesson exam gloves, vinyl, powder-free, medium (100/box) |
| 354439-cs | McKesson exam gloves, vinyl, powder-free, medium (1000/case) |
| 354440-bx | McKesson exam gloves, vinyl, powder-free, large (100/box) |
| 354440-cs | McKesson exam gloves, vinyl, powder-free, large (1000/case) |
| 456460-bx | Graham-Field finger cot, medium, powder free latex (144/box) |
| Hand and Surface Sanitizer | |
| 1055597-cs | McKesson ethyl alcohol sanitizing skin wipe, contains aloe and Vitamin E, individual packet (1000/case) |
| 1111746-cs | McKesson hand sanitizer, 67% alcohol, .9 gram packet (1728/case) |
| 761441-ea | Clorox Clean-Up with Bleach, 32 oz spray bottle (1/each) |
| 761441-cs | Clorox Clean-Up with Bleach, 32 oz spray bottle (8/case) |
| 451352-cs | Purell hand sanitizer, 70% alcohol, 2 oz bottle (24/case) |
| 576312-cs | GelRite hand sanitizer, 65% alcohol, 4 oz bottle (24/case) |
| Menstrual Products | |
| 1094706-bx | U by Kotex menstrual pad, regular absorbency, ultra thin (24/box) |
| 1094706-cs | U by Kotex menstrual pad, regular absorbency, ultra thin (144/case) |
| 1184197-cs | U by Kotex menstrual pad with wings, regular absorbency, ultra thin (216/case) |
| 1184198-bx | U by Kotex tampon, regular absorbency, plastic applicator, unscented (16/box) |
| 1184198-cs | U by Kotex tampon, regular absorbency, plastic applicator, unscented (128/case) |
| 1184199-bx | U by Kotex tampon, super absorbency, plastic applicator, unscented (16/box) |
| 1184199-cs | U by Kotex tampon, super absorbency, plastic applicator, unscented (128/case) |
| Misc. Items | |
| 341644-ea | Safetec of America biohazard spill kit (1/each) |
| 1065251-bx | McKesson grabber, 26.5", magnetic tip (6/box) |
| 1065233-bx | McKesson grabber, 26.5", folding, magnetic tip (6/box) |
| 1214927-cs | Dynarex CPR face shield (100/case) *Non-stock item, arrives in 2-4 weeks* |
| 1214928-cs | Dynarex CPR face shield w/nylon punch (100/case) |
| 1121227-cs | McKesson rinse-free bath wipe, purified water/ methylpropanediol / glycerin / aloe (8/pack, 44 packs/case) |
| 476731-cs | McKesson instant cold pack, 5"x7", disposable (24/case) |
| 520561-cs | McKesson instant hot compress, 5"x7", disposable (24/case) |
| 3005-bx | Vitamin C Sachets, Ascorbic Acid 500mg (100/box) *MAXIMUM OF 5 BOXES PER MONTH* |
| Safer Smoking | |
| 4001-bx | Pipe covers, mouth pieces, red (200/box) *Maximum order of 4 cases or 24 boxes* |
| 4001-cs | Pipe covers, mouth pieces, red (1200/case) *Maximum order of 4 cases or 24 boxes* |
| 4002-pk | Foil Sheets, One-Use (24 sheets/pack) *Maximum order of 10 cases* |
| 4002-cs | Foil Sheets, One-Use (30 packs/case) *Maximum order of 10 cases* |
| 4003-pk | Brass screens, 0.75" diameter (100/pack) |
| 4007-pk | Chore Boy, copper scoring pad (10/pack) |
| 4010-bx | One-Use Silicone Mouthpieces (1000/box) *Maximum order of 5 boxes* |
| 4014-pk | One-Use Wireplugs, 7mm stainless steel wire plug (500/pk) *Maximum order of 5 packs* |
| 4005-bx | Glass bubbler, 5" length, 1/4" inner diameter from Pegasus (72/box) |
| 4005-cs | Glass bubbler, 5" length, 1/4" inner diameter from Pegasus (432/case) |
| 4008-bx | Hammer pipes, tubing, 10x1.5x130mm from Pegasus (72/box) |
| 4008-cs | Hammer pipes, tubing, 10x1.5x130mm from Pegasus (432/case) |
| 4004-bx | Glass stem, 3.8" length, 1/4" inner diameter from Pegasus (400/box) |
| 4004-cs | Glass stem, 3.8" length, 1/4" inner diameter from Pegasus (1600/case) |
| 4011-bx | Glass bubbler, 4" length, from 4 Acres Wholesale (100/box) *Plus Shipping* *Maximum order of 10 containers* |
| 4011-cs | Glass bubbler, 4" length, from 4 Acres Wholesale (500/case) *Plus Shipping* *Maximum order of 10 containers* |
| 4011-ct | Glass bubbler, 4" length, from 4 Acres Wholesale (1000/containers) *Plus Shipping* *Maximum order of 10 containers* |
| 4012-bx | Glass stem, from 4Acres Wholesale, thick, purple box (36/box) *Plus Shipping* *Maximum order of 10 cases* |
| 4012-cs | Glass stem, from 4Acres Wholesale, thick, purple box (864/case) *Plus Shipping* *Maximum order of 10 cases* |
| 953736-ea | Carmex lip balm, .35 oz tube, original flavor (1/each) |
| 953736-ct | Carmex lip balm, .35 oz tube, original flavor (12/count) |
| 955092-bx | Safetec lip balm, 5 gram individual packet, with vitamin E and beeswax, pomegranate flavor (144/box) |
| 955092-cs | Safetec lip balm, 5 gram individual packet, with vitamin E and beeswax, pomegranate flavor (1728/case) |
| 485517-bx | Flexible drinking straw, white, individually wrapped (500/box) |
| 485517-cs | Flexible drinking straw, white, individually wrapped (500/box, 20 boxes/case) |
| 1028719-bx | Lab spatula, blue (300/box) |
| Sharps Containers and Accessories | |
| Fitpack | Fitpack, small sharps container, black, reclosable (100/box) |
| Safe Case 1 | Safe Case, small sharps container, black, 1 daisy top tab, reclosable (100/case) |
| Standard Sharps Container Options | |
| 477225-cs | BD 1 quart, red base, clear lid vertical entry (60/case) |
| 149371-cs | Cardinal 1 quart, red base, clear lid, vertical entry (100/case) |
| 855064-ea | McKesson 1 quart, red base, locking lid (1/each) |
| 855064-cs | McKesson 1 quart, red base, locking lid (80/case) |
| 184064-ea | Cardinal 1 gallon, red base, locking horizontal entry lid (1/each) |
| 184064-cs | Cardinal 1 gallon, red base, locking horizontal entry lid (32/case) |
| 566144-ea | Cardinal 2 gallon, red base, non-locking sliding lid (1/each) |
| 566144-cs | Cardinal 2 gallon, red base, non-locking sliding lid (20/case) |
| 187921-ea | Cardinal SharpSafety 18 gallon, red base, locking hinged lid (1/each) |
| 187921-cs | Cardinal SharpSafety 18 gallon, red base, locking hinged lid (5/case) |
| 420701-ea | Cardinal 18 gallon, red base, locking hinged lid (5/case) |
| 420701-cs | BD 19 gallon, red base, non-locking sliding lid (1/each) |
| 420701-cs | BD 19 gallon, red base, non-locking sliding lid (5/case) |
| 70195-rl | Biohazard warning label, 3" x 2" (500/roll) *Non-stock item, arrives in 2-4 weeks* |
| Alternative Sharps Container Options | |
| 471763-cs | Medegen 1 quart, red base, translucent lid, vertical entry hinged snap on (72/case) |
| 358432-ea | Cardinal 1 quart, red base, clear flip top lid, vertical entry (1/each) |
| 358432-cs | Cardinal 1 quart, red base, clear flip top lid, vertical entry (20/case) |
| 146597-cs | BD 1.5 quart, red base, clear lid, vertical entry hinged snap on lid (36/case) |
| 586912-cs | McKesson 1.7 quart, red base, vertical entry screw on lid (20/case) |
| 346911-ea | Cardinal 2.2 quart, red base, locking vertical entry lid (1/each) |
| 346911-cs | Cardinal 2.2 quart, red base, locking vertical entry lid (60/case) |
| 586905-cs | McKesson 1 gallon, red base, horizontal entry hinged snap on lid (24/case) |

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